

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.

ATTORNEYS AT LAW

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CYNTHIA J. HURWITZ*

ROBERT N. KHARASCH
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*NOT ADMITTED IN DC *NOT ADMITTED IN MD *OF COUNSEL

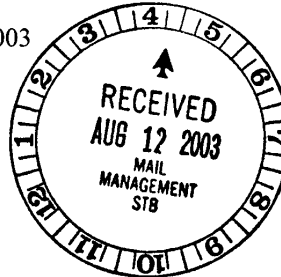
OTHER OFFICES LOCATED IN:
MARYLAND AND MINNESOTA

GEORGE F. GALLAND (1910-1985)

WRITER'S DIRECT E-MAIL ADDRESS
egreenberg@gkglaw.com

WRITER'S DIRECT DIAL NUMBER
202-342-5277

208685
August 12, 2003



VIA HAND DELIVERY

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

**RE: STB Finance Docket 34392, New Jersey Rail Carrier, LLC –
Acquisition and Operation Exemption –
Former Columbia Terminals, Kearny, NJ**

ENTERED
Office of Proceedings

AUG 12 2003

Part of
Public Record

Dear Secretary Williams:

We are special counsel for the New Jersey Department of Environmental Protection ("NJDEP") and, in that capacity, request that the Surface Transportation Board review the Notice of Exemption ("Notice") filed by New Jersey Rail Carrier, LLC. ("NJRC") on August 7, 2003 in this docket. As this exemption will become effective on August 14, 2003 unless stayed by the Board, for the reasons stated below, NJDEP respectfully requests that the effectiveness of the Notice be stayed in order to give NJRC an opportunity to provide further information that is relevant to its proposed operations.

In submitting this request, NJDEP is not indicating that it opposes NJRC's entitlement to utilize the class exemption procedure in 49 C.F.R. §1150 or that it is opposed to NJRC's contemplated operations. Rather, NJDEP believes that the Notice contains insufficient information to enable the Board to determine whether NJRC is in fact a rail carrier, as the term is defined in 49 U.S.C. §10102(5), whether it is in reality a shipper in the solid waste disposal industry whose primary intent is to utilize the preemption provision of 49 U.S.C. §10501(b) to evade the State of New



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Jersey's environmental safety and health statutes and regulations, or whether any environmental review by the Board or the State of New Jersey of the contemplated operations by NJRC is warranted.

The Notice provides nothing to support the notion that NJRC intends, is willing or is able to provide "common carrier railroad transportation for compensation." While notice filings are often very general in nature, the governing regulation still requires a "brief summary of the proposed transaction" (§1150.33(e)). NJRC has provided no details, however, other than the fact that it proposes to lease some property that appears to contain four "short stub end" industrial yard tracks. There is no statement of whether NJRC intends to operate locomotives, own or lease rail cars, provide either local or overhead rail operations, connect with any other rail carrier, establish through rates and divisional arrangements with any other rail carriers or otherwise actually operate as a railroad common carrier. Nor is there any indication as to whether the owners or management of NJRC have any experience in the railroad business.

On the other hand, there is a possibility that the owners and management of NJRC are involved in the solid waste industry in the State of New Jersey. We note, from the Verification that was attached to the Notice, that a Mr. Anthony Rizzo is the Managing Member of NJRC. While we have no way of knowing precisely who Mr. Rizzo is, it is worth noting that a Mr. Anthony Rizzo pled guilty in 1980 to violations of the State of New Jersey's Solid Waste Utility Control Act, N.J.S.A. 48:13A-10(a) and was permanently debarred from further involvement in the solid waste industry in New Jersey. (*See State v. New Jersey Trade Waste Ass'n*, 476 A.2d 301, 194 N.J. Super. 90 (N.J. Super. A.D. 1984).¹ The aforementioned Mr. Rizzo has two sons, Anthony Rizzo, Jr. and Darren Rizzo, both of whom have previously sought approval from NJDEP, as required by N.J.S.A. 13:1e-4a, -5, to engage in the solid waste disposal business in New Jersey. (*See the Attached Affidavit of Stephen Hulse.*) While NJDEP does not know whether Mr. Rizzo, Sr. or his sons are connected with NJRC or whether the owners and operators of NJRC are in fact involved in the solid waste industry, these are relevant considerations in determining whether NJRC is intended to be a *bona fide* railroad within the meaning of §10102(5).

¹ More recently in 1999, Mr. Rizzo pled guilty and was sentenced for violating New Jersey's Racketeering statute.



If NJRC does intend to operate as a true railroad, then it is entitled to the exemption. However, if NJRC is in actually a company primarily engaged in the solid waste disposal industry and is attempting to evade state and environmental safety and health oversight by creating a sham railroad in order to misuse the preemption provision of 49 U.S.C. §10501(b), that is a different matter.

When the Interstate Commerce Commission ("ICC") originally promulgated the class exemption procedure, the agency contemplated that interested parties - - including the various States - - would have sufficient information concerning an applicant's operations to determine whether a challenge was necessary. (*See Class Exemption - - Acq. & Oper. of R. Lines under 49 U.S.C. §10901*, 1 ICC 2d 810 (1985). For example, in determining whether the procedure should include a specific comment period before becoming effective, the ICC concluded that this was not generally necessary since, "... as a practical matter, State and local governments receive actual notice well before the proposal is filed" (*Id.*, 1 ICC 2d at 816). NJDEP received no prior notice of this proposal. Similarly, in response to suggestions that the ICC require detailed financial and operating data, the ICC concluded, again, that this was generally not necessary.

[T]hose directly involved (including the State) are, in fact, well aware of the financial condition of the potential acquirer, expected traffic, volumes and commodities, as well as intended operation.

(*Id.*, at 817) Again, NJDEP has not been privy to such information. It is accordingly impossible to ascertain from the information supplied either in the Notice or otherwise, whether the proposed arrangements constitute railroad operations within the meaning of §10102(5).

As the Board is aware, there has been a growing tendency by various parties involved in the solid waste disposal industry to establish purported railroads for the purpose of preempting state environmental oversight. This trend presents a significant threat to legitimate and essential state regulation of, as relevant here, the solid waste industry. Similarly, such abuse threatens the continued viability of both the class exemption procedure and the preemption embodied in §10501(b). The Board has accordingly sought additional information from such applicants when their notice filings failed to provide the necessary detail.



In STB Finance Docket 34281, *LB Railco, Inc. - - Lease and Operation Exemption - - Providence and Worcester Company*, that applicant, Railco, ultimately withdrew the Notice of Exemption it filed, due apparently in large part to environmental concerns attributable to its attempt to establish a solid waste rail/truck transloading facility within a town in Massachusetts and within 50 feet of a river, those parties were at least aware in advance of that applicant's plans. Nonetheless, and prior to its voluntary withdrawal of its Notice of Exemption, the Board stay its effectiveness, because it concluded that Railco's notice contained "insufficient information the enable the Board to determine the extent to which environmental review is required. Nor does the notice describe the track involved." (*Id.*, decision served November 27, 2002.) In this case, neither NJDEP, the Board or anyone else appears to have any information whatsoever concerning NJRC's plans and proposed operations.

If NJRC intends to be a true railroad and provide rail transportation service, NJDEP may have no reason to oppose its proposal. However, the Board, NJDEP, other state regulatory agencies and the nation's railroads do have the right and need to know that the class exemption procedures are not being abused to establish sham railroads in attempts to evade legitimate and essential state oversight of the solid waste industry. Accordingly, NJDEP requests that the Board enter a stay of the effectiveness of the exemption in this docket in order to require the applicant to provide an explanation of the nature of its proposed operations, whether it intends to operate a solid waste rail/truck transload facility, the purposes for which the premises described as Columbia Terminals are presently being used, the nature of the freight it intends to handle, the names of its management and their qualifications to provide railroad transportation, whether Anthony Rizzo is the same person who was debarred from the solid waste disposal industry and other information relevant to a determination of whether the applicant would be a railroad as that term is defined in §10102(5) of the Act.

In accordance with the Board's rules, we have enclosed an original and 15 copies of this letter and request that the extra copy be date-stamped and returned so that our files may properly evidence this filing.



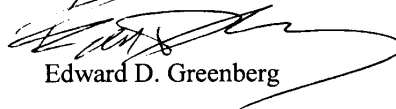
An International Association of Independent Law Firms in Major World Centers

GALLAND, KHARASCH, GREENBERG, FELLMAN & SWIRSKY, P.C.
The Honorable Vernon A. Williams, Secretary
Surface Transportation Board

August 12, 2003
Page 5

If you have any questions concerning this, please do not hesitate to contact me.

Very truly yours,



Edward D. Greenberg

Encl.

cc: Fritz R. Kahn, Esq. (via facsimile)



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persons seeking to participate in New Jersey's solid waste industry.

2. All persons who seek to engage in solid waste collection or disposal in New Jersey must first obtain approval from the New Jersey's Department of Environmental Protection ("NJDEP" or "the Department"). N.J.S.A. 13:1E-4a, -5.
3. To obtain an approval or a "license," both a company (or sole proprietorship) and its principals must undergo a review and approval process through the A-901 program. N.J.S.A. 13:1E-126 et seq. That review process is triggered by the filing of a series of disclosure forms known as Business Concern Disclosure Forms and Personal History Disclosure Forms. The persons who submit those forms and the companies they propose to operate are then scrutinized by the New Jersey State Police, the New Jersey Division of Law and the New Jersey Department of Environmental Protection to see if the applicant meets the standards at N.J.S.A. 13:1E-133 for approval of a solid waste license.
4. The standards for approval of a solid waste license include a review of its individual owners and operators. For instance, if there was a criminal conviction of a principal of a solid waste applicant, then DEP could not approve the request for a solid waste license by a company. N.J.S.A. 13:1E-133b. See also N.J.S.A. 13:1E-133c, -133e and -133f for other examples of the impact of individual conduct on the licensure of a solid waste

company. In essence, then, A-901 approval is, in part, an approval or disapproval of the individuals who seek to participate in New Jersey's solid waste industry.

5. In the case of Anthony Rizzo, Jr. and Darren Rizzo, who are apparently associated with the petitioner in this matter, the A-901 program has received and maintained the following records (relevant excerpts of which are attached hereto) relating to their efforts to participate in New Jersey's solid waste industry through companies called Folcher Associates d/b/a Folcher Container Services and Ecology Systems, Inc.:

- a. Letter from Walter B. Dennen, Esq., to Rebekah Costin, DAG, dated October 11, 1994, submitting a Personal History Disclosure Form for Anthony Rizzo relating to Folcher Associates, attached hereto as Exhibit A.
- b. Excerpts from Anthony Rizzo, Jr., Personal History Disclosure Form, attached hereto as Exhibit B.
- c. Issuance of Solid Waste Transporter License to Folcher Associates, dated May 22, 1997, attached hereto as Exhibit C.
- d. Issuance of Solid Waste Transporter License to Ecology Systems, Inc., December 18, 1991, attached hereto as Exhibit D.

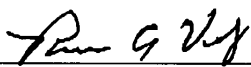
* Due to confidentiality regulations found at N.J.A.C. 7:26-16.14, there are limitations on what information can be publicly released, so there are only excerpts of certain documents.

- e. Excerpts from Anthony Rizzo, Jr., Personal History Disclosure Form for Ecology Systems, Inc., attached hereto as Exhibit E.
 - f. Excerpts from Darren Rizzo Personal History Disclosure Form for Ecology Systems, Inc., attached hereto as Exhibit F.
6. Computerized database records made, kept and maintained by the A-901 program with the assistance of New Jersey's Office of Information Systems show that Ecology Systems, Inc. withdrew from the solid waste industry as of February 8, 2001 as a result of a merger with Waste Management of PA, Inc. See NJDEP A-901 Registration & Tracking System attached hereto as Exhibit G.
7. Attached hereto is a true copy of a letter from Walter B. Dennen, Esq., to Jim Pagano, dated July 22, 1997, withdrawing Folcher Associates from New Jersey's solid waste industry, attached hereto as Exhibit H.



Steven Hulse

Sworn and subscribed to
before me this 12th day
of August, 2003.



Bruce A. Velzy
Attorney-at-Law
State of New Jersey

EXHIBIT A

AUG. -12' 03 (TUE) 12:22 DIRECTOR'S COMPLEX

TEL:6092920690

P. 006

SWAIN, DENNEN, KESZLER & BAUMAN
ATTORNEYS AT LAW

Robert E. Swain Jr.
Walter B. Dennen
Michael S. Keszler
Drew J. Bauman
New York Bar Also

BRINLEY PLAZA - BUILDING 2
3100 HIGHWAY 138
P.O. BOX 1580
WALL, NEW JERSEY 07719

5 WASHINGTON PARK
MAPLEWOOD, NEW JERSEY 07040

Wall
(908) 681-2222
Telefax (908) 681-0924

Maplewood
(201) 763-0147

Please Reply To:
Wall

October 11, 1994

Rebekah Marks Costin, Deputy Attorney General
State of New Jersey
Division of Law
Hughes Justice Complex
CN 093
Trenton, New Jersey 08625

Re: Solid Waste Application for
Folcher Associates t/a Folcher Container Service

Dear Rebekah:

Enclosed for your review and consideration is the Personal History Disclosure Form
for Anthony Rizzo, a key employee of the above-referenced company.

Call me if you have any questions with regard to this matter.

Very truly yours,

Walter B. Dennen

WBD:ifa
wbd13/costin
Enc.
cc: Anthony Rizzo
Francis Folcher

EXHIBIT B

AUG. - 12' 03 (TUE) 12:22 DIRECTOR'S COMPLEX

TEL: 6092920690

P. 008

SECTION I. PERSONAL IDENTIFYING DATA

1. FULL NAME Rizzo Anthony J. Jr.
(LAST) (FIRST) (MIDDLE)

2. DATE OF BIRTH: _____
(MONTH) (DAY) (YEAR)

3. SOCIAL SECURITY NUMBER: _____ TELEPHONE: _____

4. HOME ADDRESS: _____
(NUMBER & STREET) (APT. NO.) (CITY) (STATE) (ZIP)

HOME IS (CHECK ONE): OWNED _____ RENTED _____

5. PHYSICAL- HEIGHT: _____ RACE _____ (Note: this question is for identification purposes only).
WEIGHT _____ COMPLEXION _____

AGE: _____ DISTINCTIVE MARKINGS
OR CHARACTERISTICS
SEX: _____ (e.g., TATOOS) _____

HAIR COLOR: _____

EYE COLOR: _____

INDICATE NAMES OF THE BUSINESS CONCERN HOLDING OR APPLYING FOR DEPE LICENSE,
IN CONNECTION WITH WHICH YOU ARE FILING THIS FORM _____
IF YOU ARE REPORTING CRIMINAL CHARGES OR CONVICTIONS IN YOUR ANSWER TO QUESTION 43, CHECK HERE _____

AFFIDAVIT

STATE OF

COUNTY

)
) SS.
)

I, Anthony A. De- Jr, do hereby swear (or affirm) that the information in this Personal History

Disclosure Form is true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 10/3/94

[Signature]
Signature

Type or print name here

If form was prepared by a person other than the individual signing this affidavit (e.g., an attorney), indicate that person's name, address and telephone number:

Sworn to and subscribed

before me this 3rd

day of Oct, 1994

[Signature]
Notary Public

NETA YOUNG
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 16, 1998
Seal or authority of notary

RELEASE AUTHORIZATION

To all courts, probation Departments, Selective Service Boards, Employers, Educational Institutions, Banks Financial and Other Such Institutions, and all Governmental agencies - federal, state and local without exception both foreign and domestic.

Anthony Rizzo Jr.

Anthony Rizzo Jr. as an owner, officer, director, partner, stockholder or key employee of *Felcher Containing Services* applicant for or holder of a new Jersey Department of Environmental Protection and Energy solid or hazardous waste license, have authorized the Attorney General of New Jersey to conduct an investigation into my background for the purpose of determining the suitability of the company with which I am affiliated to hold a solid or hazardous waste license, as provided under N.J.S.A. 13:1E-126 et seq.

Therefore, you are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Attorney General.

This authorization shall supersede and countermand any prior request or authorization to the contrary. A photostatic copy of this authorization will be considered as effective and valid as the original.

Neita Young
Signature

Sworn to and subscribed
before me this *3rd*
day of *Oct.*, 19*94*

Neita Young
Notary Public
My Commission Expires Feb. 15, 1995
Seal or authority of notary

EXHIBIT C

AUG. -12' 03 (TUE) 12:23 DIRECTOR'S COMPLEX

TEL:6092920690

P. 012



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Division of Solid and Hazardous Waste
CN 421
Trenton, N.J. 08625

Robert C. Shlap, Jr.
Commissioner

840
MAY 22 1997

Mr. Francis X. Folcher
Folcher Associates (dba) Folcher Container Service
1060 Harmony Lane
Deptford, N.J. 08096

CERTIFIED MAIL P258816488
RETURN RECEIPT REQUESTED

RE: Solid Waste Transporter License
N.J.S.A. 13:1E-126 et seq

Dear Mr. Folcher:

This is to advise you that the investigative report from the Attorney General required under N.J.S.A. 13:1E-126 et seq. has been received by the Department of Environmental Protection.

Based on our review of the aforementioned investigative report, the Department is hereby issuing a solid waste transporter license to:

FOLCHER ASSOCIATES (dba) FOLCHER CONTAINER SERVICE

Please be advised that your solid waste transporter license is a "conditional" license which is modified by the terms and conditions specified by the Deputy Attorney General's office. The conditions are as follows: a) Folcher Associates must continue to retain and consult an attorney and bookkeeper/accountant to assist in the business; b) Prior approval must be obtained from the Department before renewing any association with Anthony Rizzo, Jr.; and c) The Department must grant prior approval for any partnership, joint venture, or other business enterprise in the solid waste field that Folcher Associates determines to enter into, including brokerage.

This letter will serve as documentation that Folcher Associates (dba) Folcher Container Service has been issued a conditional solid waste transporter license. This license must be renewed annually by filing the Annual License Update form and any other change of information concerning your company or its operation as required by the Department.

Having "grandfathered" status, you should know that a Certificate of Public Convenience and Necessity is required prior to commencing solid waste business operations. Questions regarding this certificate should be directed to the Bureau of Solid Waste Regulation at (609) 984-2080. As you know, any transportation equipment must be registered prior to commencing operations. Questions regarding equipment registration of the above license should be directed to the Bureau of Hazardous Waste Regulation at (609) 292-7081.

Sincerely,

Norine Binder

Norine Binder, Chief
Bureau of Hazardous Waste Regulation

JP-RT:97\88-209
c: R. Thornton
H. Williams, DAG
M. DeTalvo

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P. 013

TEL:6092920690

DIRECTOR'S COMPLEX 12:23 (TUE) 12-03-97

EXHIBIT D

AUG. -12' 03 (TUE) 12:24 DIRECTOR'S COMPLEX

TEL:6092920690

P. 014



State of New Jersey
Department of Environmental Protection and Energy
Division of Solid Waste Management
CN 414
Trenton, NJ 08625-0414
Tel. # 609-530-8591
Fax. # 609-530-8899

Scott A. Weiner
Commissioner

Steven Gabel
Director

DEC 18 1991

Ecology Systems, Inc.
427 Cortelyou Avenue
Staten Island, NY 10312

Re: Solid Waste Transporter License
N.J.S.A. 13:1E-126 et seq.


Dear Mr. Scognamiglio:

This is to advise you that the investigative report from the Attorney General required under N.J.S.A. 13:1E-126 et seq. has been received by the Department of Environmental Protection and Energy. Based on our review of the investigative report and the disclosure statement, your other application papers, and the Department's enforcement history, the Department is issuing a solid waste transporter license to Ecology, Inc. This license must be renewed annually by filing the annual license update form and any other information concerning your company or its operation as required by the Department.

This letter will serve as documentation that Ecology, Inc. has been issued a solid waste transporter license. A license certificate will follow at a later date. Please fill out the enclosed application to register your company's equipment prior to initiating business activities.

If you have any further questions concerning this license, please contact Dean Fuller at (609) 530-8212. For any questions regarding equipment registration, please contact Michael Nalbene at (609) 530-4004.

Sincerely,


Charles E. DeWeese, P.E.
Assistant Director
Office of Inspection
and Enforcement

Enclosure

c: Rai Belonzi, Chief BCE, DSWM
Thomas Kearns, Chief BR, DSWM
Dean Fuller, DSWM
Michael Nalbene, BR, DSWM
Harley Williams, DAG

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EXHIBIT E

AUG. -12' 03 (TUE) 12:24 DIRECTOR'S COMPLEX

TEL:6092920690

P. 016

002091-155-74-1110

Page 1 of 34

DO NOT COMPLETE UNTIL YOU READ THE INSTRUCTIONS AT THE END OF FORMS

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY
DIVISION OF SOLID WASTE MANAGEMENT
BUREAU OF BACKGROUND DISCLOSURE REVIEW (A-901)

PERSONAL HISTORY DISCLOSURE FORM

For owners, officers, directors, partners and key employees
of applicants for and holders of NJDEPE solid waste
or hazardous waste licenses, and certain other individuals
listed on Business Concern Disclosure Statements and
Second Level Business Concern Disclosure Statements

Print or type all data, except where signature is required.

YOUR NAME AND MAILING ADDRESS:

ANTHONY RIZZO, JR.

41 Randolph Street

Lincoln Park, New Jersey 07035

Name of the business concern holding or applying for a NJDEPE license in connection with which you are filing this form:

ECOLOGY SYSTEMS, INC.

PART XII

AFFIDAVIT

STATE OF New Jersey)

COUNTY OF Essex)

ss.

I, ANTHONY RIZZO, JR., do hereby swear (or affirm) that the information in this Personal History Disclosure Form is true and is provided in accordance with the instructional material accompanying this document. I have read the instructions, including the notice on Social Security Numbers, accompanying this Personal History Disclosure Form. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to criminal prosecution. I further understand that fraudulent, deceptive or misleading answers may result in the denial of the business concern's application or revocation of the business concern's license.

Dated: 3/31/96

Signature

ANTHONY RIZZO, JR.

Type or print name

Type or print title/position

Sworn to and subscribed before

me this 31day of March, 19 96Emily J. Bock

Notary Public

EMILY J. BOCK
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 12-31-99

Seal or authority of notary

If form was prepared by a person other than the individual signing this affidavit (e.g., an attorney, accountant, etc.), indicate that person's name, address, telephone number and relationship.

Name: JOHN A. GONNELLA, ESQ.Telephone: 201-226-0027

(area code)

Address: 287 Bloomfield Avenue, Caldwell, New Jersey, 07006Title/Position: Attorney-at-Law of New JerseyRelationship: Legal Representative of Ecology Systems, Inc.

PART XIII

RELEASE AUTHORIZATION

To all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other such institutions, law enforcement agencies, military records custodians, credit reporting agencies, taxation authorities (including the I.R.S.) and foreign and domestic governmental agencies (federal, state and local), without exception:

I, ANTHONY RIZZO, JR., as an owner, officer, director, partner, stockholder, or key employee of Ecology Systems, have authorized the Attorney General of New Jersey to conduct an investigation into my background for the purpose of determining the suitability of the company with which I am affiliated, to hold a New Jersey Department of Environmental Protection and Energy solid waste or hazardous waste license, or to hold an interest in a solid or hazardous waste license, as provided under N.J.S.A. 13:1E-126 et seq.

Therefore you are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Attorney General of New Jersey.

This authorization shall supersede and countermand any prior request or authorization to the contrary. A photostatic copy of this authorization will be considered as effective and valid as the original.

Dated: 3 / 31 / 96


Signature

ANTHONY RIZZO, JR.

Type or print title/position

Sworn to and subscribed before me

this 31st

day of March, 19 96


Notary Public

EMILY J. BOCK
NOTARY PUBLIC OF NEW JERSEY
My Comm. Expires Mar. 30, 2001
Seal or authority of notary

EXHIBIT F

AUG. - 12:03 (TUE) 12:25 DIRECTOR'S COMPLEX

TEL: 6092920690

P. 020

002091-155-74.1110

Page 1 of 34

DO NOT COMPLETE UNTIL YOU READ THE INSTRUCTIONS AT THE END OF FORMS

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY
DIVISION OF SOLID WASTE MANAGEMENT
BUREAU OF BACKGROUND DISCLOSURE REVIEW (A-901)

PERSONAL HISTORY DISCLOSURE FORM

For owners, officers, directors, partners and key employees
of applicants for and holders of NJDEPE solid waste
or hazardous waste licenses, and certain other individuals
listed on Business Concern Disclosure Statements and
Second Level Business Concern Disclosure Statements

Print or type all data, except where signature is required.

YOUR NAME AND MAILING ADDRESS:

DARREN A. RIZZO

2282 Crossing Way

Wayne, New Jersey 07470

Name of the business concern holding or applying for a NJDEPE license in connection with which you are filing this form:

ECOLOGY SYSTEMS, INC.

PART XII

AFFIDAVIT

STATE OF New Jersey)

COUNTY OF Essex)

ss.

I, DARREN RIZZO, do hereby swear (or affirm) that the information in this Personal History Disclosure Form is true and is provided in accordance with the instructional material accompanying this document. I have read the instructions, including the notice on Social Security Numbers, accompanying this Personal History Disclosure Form. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to criminal prosecution. I further understand that fraudulent, deceptive or misleading answers may result in the denial of the business concern's application or revocation of the business concern's license.

Dated: 3/3/96

Signature

DARREN A. RIZZO

Type or print name

Shop Manager

Type or print title/position

Sworn to and subscribed before

me this 31stday of March, 19 96

Notary Public

Seal or authority of notary

If form was prepared by a person other than the individual signing this affidavit (e.g., an attorney, accountant, etc.), indicate that person's name, address, telephone number and relationship.

Name: JOHN A. GONNELLA, ESQ. Telephone: 201-226-0027

(area code)

Address: 287 Bloomfield Avenue, Caldwell, New Jersey 07006Title/Position: Attorney-at-Law of New JerseyRelationship: Legal Representative of Ecology Systems, Inc.

EXHIBIT G

AUG. - 12:03 (TUE) 12:25 DIRECTOR'S COMPLEX

TEL: 6092920690

P. 024

DATE: 08/12/03 N. J. DEPT OF ENVIROMENTAL PROTECTION SCREEN: SWAS600
TIME: 09:53:31 A901 REGISTRATION AND TRACKING SYSTEM TERMINAL: @IKE

APPLICANT INQUIRY

A901 ID: 002091
COMPANY NAME: ECOLOGY SYSTEMS, INC.
S/P:
ATTN: 208 PATTERSON AVENUE
STREET ADDRESS: C/O WASTE MANAGEMENT
CITY / STATE / ZIP: HAMILTON TWP. NJ 08610
COMPANY PHONE: 215 269 2000
CONTACT PERSON: LAST: SKOUTELAS FIRST: JOHN MI: S
CONTACT PHONE: 215 269 2000
INITIAL FILING DATE: 01 25 1991 STATUS: WITHDRAWN AS OF: 02 08 2001
NEW APPLICANT: TYPE:
FEID: INV. STATUS: APPROVED 12 17 1991
INVESTIGATION NO: 00828-0001 KEY EMPS: 2003 0
COMMENTS: Y 2002 0

PF KEYS: PF3=MAIN MENU PF4=ADDITIONAL PF5=CLEAR PF6=COMMENTS
PF7=PREVIOUS PF9=PERSONAL HIST PF10=GROUP

Date: 8/12/03 Time: 9:50:44 AM

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DATE: 08/12/03
TIME: 10:52:23

N.J. DEPT OF ENVIRONMENTAL PROTECTION
A901 REGISTRATION AND TRACKING SYSTEM

SCREEN:SWAS401
TERMINAL: @11

APPLICANT COMMENT

A901 ID: 002091
COMPANY NAME: ECOLOGY SYSTEMS, INC.

ACTION TYPE: CHANGE COMMENT NUMBER: 2 DATE: 02/08/2001

MERGED INTO WASTE MGMT OF PA INC. WITHDRAWN ON 2/8/01

PF KEYS: PF3=MAIN MENU PF7=PREVIOUS

DATE: 8/12/03 Time: 10:49:37 AM

EXHIBIT H

AUG. -12' 03 (TUE) 12:26 DIRECTOR'S COMPLEX

TEL:6092920690

P. 027

000342 MF 2-11
DA 2-11

SWAIN, DENNEN, KESZLER, BAUMAN & WESTREICH
ATTORNEYS AT LAW

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WALL, NEW JERSEY 07719
5 WASHINGTON PARK
MAPLEWOOD, NEW JERSEY 07040

Wall
(908) 681-7272
Telefax (908) 681-0924

Maplewood
(201) 763-0147

Please Reply To:
Wall

July 22, 1997

Jim Pagano
Division of Solid and Hazardous Waste
Department of Environmental Protection
401 E. State Street
CN 414
Trenton, New Jersey 08624-0414

Re: Francis X. Folcher d/b/a
Folcher Container Service

Dear Mr. Pagano:

Please be advised that in accordance with an Order of Acceptance issued by the Department under Docket No. MA 04970017, Francis X. Folcher d/b/a Folcher Container Service has sold its assets and surrendered its Certificate of Public Convenience and Necessity. Accordingly, this letter is to inform you that you may close the "A-901" file for same.

Very truly yours,


Walter B. Dennen

WBD:ifa
wbd20/pagano
cc: Francis X. Folcher